

Serial No. 10/009,856

Atty. Docket No. LeA 33 771

The Examiner states that faster penetration of the recombinant does not provide sufficient evidence that the virus has different, or altered, targeting properties compared with the wild-type virus. However, cells which take up viral particles at an increased rate, in a fixed period of time, will take up more viral particles as compared to other cells. This is preferential uptake. That is, targeting does not mean that the viral particles are exclusively taken up by the target tissue, but it only means that particles with targeting properties are preferentially taken up. Furthermore, Applicants have shown an increased rate of penetration of the recombinant gD expressing viruses into cells. This is indirect evidence that the gD protein is expressed on the surface of the viral particles.

The Examiner cites the teachings of Galmiche, et al., and states that the instant disclosure does not teach how the skilled artisan could overcome the obstacles discussed in the art. However, Applicants have disclosed a method which does not suffer from the problems of the method described by Galmiche, et al., (see, e.g., pages 13-16 of the specification). Thus, Applicants have taught a method that may be utilized by the skilled artisan.

The present invention provides a means of improving the therapeutic utility of the parapoxvirus ovis such that the generalized paraspecific immunogenicity of the parapoxvirus may be directed in a targeted manner towards the diseased organ, tissue, or cell. This objective may be achieved by coupling or introducing peptides or proteins, which are able to interact with organ-specific, tissue-specific, and/or cell-specific receptor molecules into the virus using recombinant technology. With the creation of viral particles having targeting properties, the localization of immunomodulation is very decisive and immunomodulation can be directed to specific tissues.

It is thus submitted that the claims 1 and 2 meet the requirements of 35 USC § 112, first paragraph, and reconsideration and withdrawal of the present rejection is respectfully requested.

CONCLUSION

For the foregoing reasons, Applicants submit that the claims are in condition for allowance and Applicants respectfully request reexamination of the present application, and reconsideration and withdrawal of the present rejections. Should there be any further matter requiring consideration, Examiner Foley is invited to contact the undersigned counsel.

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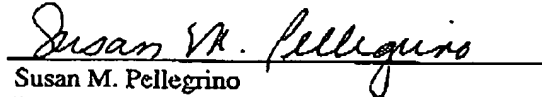
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If there are any further fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 13-3372. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

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